

14. (Amended) A valve actuation linkage mechanism for use in an internal combustion engine comprising:

[a pivot rod;]

a pivot rod retainer;

a valve bridge having a pivot rod chamber; and

[at least one fastener able to secure the] a pivot rod comprising a pivot rod head, wherein at least a part of the pivot rod head is pivotable within a pivot rod cup of a rocker arm, and comprising a pivot rod body, wherein at least a part of the pivot rod body pivots in the pivot rod chamber [retainer to the valve bridge].

#### REMARKS

1. In the above-captioned Office Action, the Examiner objected to the drawings. The Examiner objected to claims 4, 10, and 16. Claims 1-3, 5-9, 11-15, and 17-19 were rejected under 35 U.S.C. §102(e) in view of Perez et al. (U.S. Patent No. 6,273,042). These rejections are traversed and reconsideration is hereby respectfully requested.

2. The Examiner objected to FIG. 1 and FIG. 2, stating that each should be designated with a legend such as --Prior Art--. On June 20, 2003, substitute formal drawings for FIG. 1 and FIG. 2 were submitted to the Official Draftsman of the USPTO, both FIG. 1 and FIG. 2 including the phrase --PRIOR ART--.

3. Claims 1-3, 5-9, 11-15, and 17-19 were rejected under 35 U.S.C. §102(e) in view of Perez. Prior to discussing the merits of the Examiner's position, the applicant believes it would be helpful to first briefly describe and characterize the Perez reference.

#### THE PEREZ REFERENCE

As stated in Perez:

The rocker arm 102 has a second end 120. At the second end 120, a rocker ball 122 is secured to the rocker arm 102 [Column 10, lines 58-59].

As shown in FIGS. 6-8, the rocker ball 122 has a curved outer surface 128 with a center of curvature 130, a bottom 132 and a central axis 133. The center of curvature 130 is between the bottom 132 of the rocker ball 122 and the second end 120 of the rocker arm 102. At least part of the rocker ball defines a portion of a sphere. A non-spherical neck 134 extends up from the spherical portion 136 to an insert 138 received in a mating pocket in the second end 120 of the rocker arm 102 [Column 10, line 63 through column 11, line 6].

As shown in FIG. 8, the central axis 158 of the socket 124 remains parallel with the central axis 145 of the valve stem 144, and the socket slides further along the valve surface 142. Thus, the pivoting motion of the rocker arm 107 is translated to linear and sliding movement of the socket 124 and linear movement of the valve stem 144 [Column 17, lines 37-42].

Perez therefore describes a rocker arm assembly that operates with a rocker ball that is secured to the rocker arm, and a socket operating with the rocker ball such that the socket slides along a valve surface. Perez does *not* describe *a pivot rod comprising a pivot rod head, wherein at least a part of the pivot rod head pivots within the pivot rod cup, and comprising a pivot rod body, wherein at least a part of the pivot rod body pivots in the pivot rod chamber*, as described in claim 1, as amended above. For similar reasons, Perez does *not* describe *a pivot rod comprising a pivot rod head, wherein at least a part of the pivot rod head is pivotable within a pivot rod cup of a rocker arm, and comprising a pivot rod body, wherein at least a part of the pivot rod body pivots in the pivot rod chamber*, as described in claim 14, as amended above.

Hence, the applicant respectfully submits that claims 1 and 14 may be passed to allowance.

The Examiner indicated that claim 10 would be allowable if rewritten in independent form including all on the limitations of the base claim and any intervening claims. Thus, claim 10 is cancelled above and written into claim 8, on which claim 10 depends.

Furthermore, claims 2-7, 9, 11-13, and 15-19 are dependent upon an independent claim that is shown to be allowable. For all these reasons, the dependent claims are themselves allowable.

7. The Applicant cancels claim 10 without prejudice or disclaimer. Cancellation of claim 10 is not an admission that Perez renders the limitations obvious. Its

cancellation instead reflects the Applicants' desire to expeditiously proceed and prosecute the remaining claims in this application.

8. No new subject matter is introduced by the amendments to the above claims. The changes to the specification correct typographical errors.

9. Please substitute enclosed replacement paragraphs for the paragraphs 21, 22, and 35 of the specification. Please substitute claims 1, 8, and 14 on the enclosed sheets for the pending claims of the same number.

11. The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication may advance the prosecution of the present application. Notice of allowance of claims 1-9 and 11-19 is hereby respectfully requested.

Respectfully submitted,

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